

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

**B.W. o/b/o K.S., a minor, and
T.S. o/b/o J.W., a minor,**

Plaintiffs,

-against-

**Civil Action No.
09 Civ. 6686 (RMB) (HBP)**

**NEW YORK CITY DEPARTMENT
OF EDUCATION,**

Defendant.

-----X

**PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT
AWARDING ATTORNEY'S FEES AND COSTS**

**MICHAEL D. HAMPDEN (MH 2359)
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Attorney for Plaintiffs
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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B.W. o/b/o K.S., a minor, and
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Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT
OF EDUCATION,


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Civil Action No.
09 Civ. 6686 (RMB) (HBP)

NOTICE OF MOTION
FOR SUMMARY JUDGMENT
AWARDING ATTORNEY'S
FEES AND COSTS

PLEASE TAKE NOTICE, that upon the annexed affidavits of MICHAEL D. HAMPDEN, Esq. sworn to on November 23, 2009, and MARILYN C. MAZUR, Esq., sworn to on November 20, 2009, the Exhibits submitted herewith, the accompanying Memorandum of Law, and upon all the papers and proceedings had herein, plaintiffs will move this Court before the Honorable Henry B. Pitman, United States Magistrate Judge, at the United States District Court, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure, and the Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. § 1415(i)(3), for an award of reasonable attorney's fees to plaintiffs as prevailing parties in the amount of \$21,155.00, together with additional fees and costs incurred in the maintenance of this action as may be approved by the Court, and for such other and further relief as to the Court may seem just and proper.

Dated: New York, New York
November 23, 2009



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To:
Clerk of the Court

Michael A. Cardozo
Corporation Counsel of the City of New York
New York City Law Department
100 Church Street, Room 2-165
New York, NY 10007
Attn: David A. Rosinus, Jr.
Assistant Corporation Counsel
arosinus@law.nyc.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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B.W. o/b/o K.S., a minor, and
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Plaintiffs,

- v -

NEW YORK CITY DEPARTMENT
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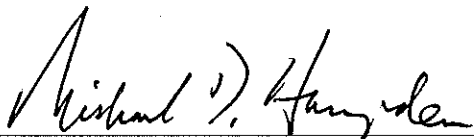
Docket No.
09 CV 9986 (RMB) (HBP)

CERTIFICATE OF
SERVICE BY MAIL

The undersigned hereby certifies under penalty of perjury that on the 23rd day of November, 2009, he mailed via FedEx Overnight Mail, the attached plaintiffs' Motion for Summary Judgment for an Award of Attorney's Fees and Costs, together with Affidavits and Exhibits in support of the motion, to counsel for the defendant New York City Department of Education:

Michael A. Cardozo
Corporation Counsel of the City of New York
New York City Law Department
100 Church Street, Room 2-165
New York NY 10007
Attn: D. Alan Rosinus, Esq.
Attorney for Defendant

Dated: New York, New York
November 23, 2009



MICHAEL D. HAMPDEN (MH 2359)
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